

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: September 28, 2023

Time: 9:30AM

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In re:

Chapter 13
Case No.: 23-72442-736

FRANCINE A. HOLT
aka Francine Annette Holt

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge on the 28th day of SEPTEMBER, 2023 at 9:30AM., at the United States Bankruptcy Court located at the Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza – Courtroom 860, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to provide and/or file documents, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE NOTICE, that the hearing shall not be held in person but shall be held telephonically or by video. Those intending to appear at the hearing must register with eCourt Appearances no later than two (2) days prior to the hearing. The phone number or video link for the hearing will be emailed to those that register with eCourt Appearances in advance of the hearing. Instructions for registering with eCourt Appearances can be found at <https://www.nyeb.uscourts.gov/node/2126>. If you do not have internet access or are otherwise unable to register with eCourt Appearances, you may call or email Judge Grossman's courtroom deputy for instructions at (631) 712-6276, reg_hearings@nyeb.uscourts.gov.

PLEASE TAKE NOTICE, that the hearing on the Motion may be adjourned without notice other than announcement in open Court.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Islandia, New York
September 7, 2023

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive South, Suite 109
Islandia, New York 11749
(631) 549-7908

To: *Office of the United States Trustee*
FRANCINE A. HOLT, Debtor(s)
SCOTT R. SCHNEIDER, ESQ. Attorney for Debtor(s)
All Interested Parties and Creditors

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X
In re:

tmm1634

Chapter 13
Case No.: 23-72442-736

FRANCINE A. HOLT
aka Francine Annette Holt

Debtor(s)

APPLICATION

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TO THE HONORABLE ROBERT E GROSSMAN, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate, respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on July 10, 2023, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, the debtor(s) has failed to provide the Trustee with proof of income for items in schedule J line 8H; Amended Chapter 13 plan to correct section 3.2 to correct mortgage arrears and New York State Department of Taxation and Finance including interest rate, and correct section 4.4 to include IRS claim and correct New York State Department of Taxation and Finance amount; and a feasible Chapter 13 plan.
3. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

WHEREFORE, the Trustee requests an Order pursuant to the provisions of 11 U.S.C. §§521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
September 7, 2023

Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
2950 Express Drive, Suite 109
Islandia, NY 11749
(631) 549-7908

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Case No: 23-72442-736

IN RE:

**CERTIFICATE OF SERVICE
BY MAIL AND ELECTRONIC
SERVICE**

FRANCINE A. HOLT
aka Francine Annette Holt

Debtor.

This is to certify that I, Alexandria Jumara, have this day served a true, accurate and correct copy of the within ***Notice of Motion and Application***, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

Francine A Holt
2081 Milburn Avenue
Baldwin, NY 11510
Debtor(s)

and upon the following parties, by the e-mail address designated by said parties for that purpose;

Office of the United States Trustee
Alfonse M. D'Amato U.S. Courthouse
USTPRegion02.LI.ECF@usdoj.gov

Scott R Schneider, Esq.
The Law Offices of Scott R. Schneider, P.C.
scottsch@optonline.net
Attorney for Debtor(s)

Carrington Mortgage Services, LLC
Shari S. Barak
LOGS Legal Group LLP
sbarak@logs.com

This September 7, 2023

/s/ Alexandria Jumara
Alexandria Jumara, Paralegal
Office of the Standing Chapter 13 Trustee
Michael J. Macco, Esq.
2950 Express Drive South, Suite 109
Islandia, NY 11749
631-549-7908